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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,261	04/14/2004	Kenneth M. Allison SR.	Allison-001	8093

21897 7590 06/15/2007
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HOUSTON, TX 77057

EXAMINER

COLLINS, TIMOTHY D

ART UNIT	PAPER NUMBER
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3643

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,261

Applicant(s)

ALLISON, KENNETH M.

Examiner

Timothy D. Collins

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-35,37-39,57,58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24,25,27-35,37-39,57 and 58 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24, 30 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer (US 6494404) – hereinafter ‘404.

‘404 teaches a passenger compartment (14) for use in an aircraft (78) comprising: an aircraft (78); a frame detachably mounted within aircraft (22); and at least one row of seats (38) removed along with said frame. The reference discloses a row of seats detachably affixed to a frame 22 and that the frame is at least below the seats, this “frame” is the horizontal surface below the seats. The frame is connected to the surrounding portion of frame, however it is also connected to everything else, so as can be seen it meets the limits of the claim that it be removable because of the rising action of the large section of the plane. Also the frame is attached to the bottom of the interior of the craft as seen in the figures.

With respect to claim 30, ‘404 teaches a food module (42, fig 5).

With respect to claim 34, ‘404 teaches ingress/egress from more than one side (col 2 lines 5-10)

With respect to claim 35, ‘404 teaches a sub-floor defining a storage space (fig 4) where baggage can be seen.

Claims 24, 27, 28, 35 and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer ((US 3289981) – hereinafter ‘981.

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Meyer teaches a passenger compartment (20) or use in an aircraft (30) comprising: an aircraft (30); a frame detachably mounted within aircraft (inside 20 there is a horizontal "floor" which meets this limit); and at least one row of seats (fig 6, above subfloor – area designed for passengers – see col 1 para 1) removed along with said frame (fig 1).

With respect to claim 27, '981 teaches a track (21) onto which the frame (20) is slidably mounted.

With respect to claim 28, '981 teaches wherein a winch type system and cable (col 2 lines 53-57) is provide for moving the compartment (20).

With respect to claim 35, '981 teaches a sub-floor defining a storage space (fig 6) under the floor.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above, and further in view of Bathurst (US 2388380). Meyer teaches the invention as described above with respect to Meyer, but doesn't teach more than one independent and interconnectable module. Bathurst teaches an airplane in which the fuselage is made of more than one independent and interconnectable module (fig. 1), the motivation being to provide for quick unloading/loading of the aircraft without unloading the respective compartments. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify either Meyer invention to include multiple independent and interconnectable modules.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above, and further in view of Coughren (US 6007025). Meyer teaches the invention as described above with respect to Meyer, but doesn't teach a lavatory module detachable with the frame. Coughren teaches a stowable lavatory module for an airplane, the motivation for combining would be to provide the modules used in Meyer with a lavatory that takes minimal space. Therefore it would have been obvious to one skilled in the art at the time of invention to provide the passenger compartments taught by Meyer with a lavatory module.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6260813 to Whitcomb (called 813). 813 may not specifically disclose that an overhead compartment is attached to the interior, however the examiner takes official notice that it

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is old and well known in the art to use overhead compartments in aircraft and to have them affixed to the interior of the aircraft. These overhead compartments are also known to be independent of the seats frames other than the connection through the rest of the airframe and interior of the craft. Therefore it would have been obvious to one of ordinary skill in the art to have applied the teachings of overhead compartments into the aircraft of 813 so as to provide for storage of luggage during flights.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above, and further in view of Hart (US 5716027). Meyer teaches the invention as described above with respect to claim 24, but doesn't teach an overhead bin for storage that goes with the portable storage compartment. Hart teaches an overhead luggage bin that can be installed on existing aircraft, the motivation for combining being to provide additional storage in the unused space above the seats. Therefore it would have been obvious to modify the inventions of Meyer to provide for an overhead storage bin that goes with the passenger compartment.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above, and further in view of Forster (US 6281797). Meyer teaches the invention as described above with respect to claim 24, but doesn't teach sensors in the sub-floor to detect the presence of articles within said space. Forster teaches a sensing apparatus for detecting the presence of luggage within the sub-floor (fig 12) the motivation for combining being to ensure that cargo with active tracking devices such as taught by Forster have their transmitters turned off prior

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to launching the aircraft. Therefore it would have been obvious to one skilled in the art at the time of invention to put sensors in the sub-floor of the passenger compartments taught by Meyer to detect the presence of an article within the space.

Claims 33, 37, 38 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above. Meyer teaches the invention as described above with respect to claim 24, but doesn't teach door affixed to the sub-floor which communicates between the outer surface of the sub-floor and the space defined by the sub-floor and bottom of said frame. The examiner takes official notice that prior to current FAA regulations prohibiting access to the baggage hold in flight, it was well known in the art to provide a door communicating with the underneath baggage compartments to provide for access to the aircraft crew to subsystems of the aircraft in case of troubleshooting. Therefore, it would have been obvious to one skilled in the art at the time of invention to provide for access to the sub-floor compartment in the passenger modules taught by Meyer.

With respect to claim 37 and 38, Meyer doesn't teach a seat attached to the pivotal door, nor does it mention a direction in which the door would rotate. It would have been an obvious matter of design choice to locate a seat above the pivotal door, or choose the direction in which the door operates, since applicant has not disclosed that either of these features solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with said pivotal door and aforementioned seat attached therewith.

Allowable Subject Matter

Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The previous allowability of claim 31 is withdrawn in view of the new grounds of rejection.

Response to Arguments

1. Applicant's arguments filed 3/27/07 have been fully considered but they are not persuasive.
 - a. Re applicant's argument that the frame does not surround the seats, it is noted that in the new grounds of rejection above, the frame does not surround the seats. The new "frame" is the horizontal surface.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Collins whose telephone number is 571-272-6886. The examiner can normally be reached on M-F, 7:00-3:00, with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Timothy D. Collins
Primary Examiner
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